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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1381

Introduced by Assembly Member Nunez

(Principal coauthors: Assembly Members Frommer and Wyland)

(Principal coauthors: Senators Perata and Romero)

February 22, 2005

~~An act to amend Sections 51795, 51796, 51797, and 51798 of, and to add Section 51796.5 to, the Education Code, and to amend Section 40507 of the Public Resources Code, relating to school gardens. An act to amend Section 35400 of, and to add and repeal Chapter 5 (commencing with Section 35900) of Part 21 of, the Education Code, relating to school district governance.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1381, as amended, Nunez. ~~School instructional gardens: pupil nutrition.~~ *School district governance: Los Angeles Unified School District.*

(1) Existing law authorizes the Inspector General of the Los Angeles Unified School District to conduct specified audits, investigations, and related activities.

This bill would require the inspector general be appointed by the Los Angeles Unified School District Board of Education and that all employment decisions related to the inspector general would be

managed by the board in a manner consistent with any existing contracts under which the inspector general is employed.

(2) Existing law requires every school district to be under the control of a board of school trustees or a board of education. Existing law requires any unified school district which is coterminous with or includes within its boundaries a chartered city or city and county to be governed by the board of education provided for in the charter of the city or city and county. Existing law authorizes the governing board of any school district employing 8 or more teachers to employ a district superintendent for one or more schools and to define the duties of the superintendent.

Existing law authorizes the governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the State Board of Education to waive all or part of any provision of the Education Code or any regulation adopted by the state board that implements a provision of that code, except for specified provisions. Existing law requires that a properly submitted waiver request be deemed granted and approved for one year, commencing the first day of the following month, if the state board fails to take action on the request by its second regular meeting after the receipt of the request.

Existing law, the California Constitution, requires the state board to adopt instructional materials for grades 1 to 8, inclusive. Existing statutory law requires the governing board of a school district to adopt instructional materials for use in the high schools under its control. Existing law requires the state board to adopt content standards in defined curricula, as specified.

Existing law requires the governing board of each school district to develop and cause to be implemented for each school in the school district a School Accountability Report Card.

This bill would permit the Superintendent of the Los Angeles Unified School District to request, after a public hearing, that the state board waive all or part of any section of the Education Code, except as specified, and would deem the waiver granted for two years, commencing the first day of the following month, if the state board fails to take action on the request by its second regular meeting after, or 60 days after, receipt of the request, whichever is sooner. The bill would require a request for a waiver to include specified written statements if the exclusive representative of employees responds with

its position on the proposed waiver within 2 weeks of its receipt of the request from the district superintendent.

This bill would authorize the district superintendent to appoint and dismiss the personnel of his or her office, and to appoint and dismiss a principal of a school within the Los Angeles Unified School District (LAUSD) after consultation with parents of pupils enrolled at the school to which the principal is assigned, community leaders, and schoolsite personnel, subject to ratification by the LAUSD Board of Education. The bill would limit the authority of the district superintendent by requiring that those employment decisions be in conformance with applicable collective bargaining agreements and contracts and in a manner that is consistent with other specified provisions.

This bill would grant the district superintendent authority over the fiscal operations of the LAUSD, including, but not limited to, the negotiation and execution of contracts, subject to all other requirements of law. The bill would limit the authority of the district superintendent to contract with private parties regarding the personal services that, as of January 1, 2007, are provided by represented employees of the LAUSD, as specified. The bill would authorize the district superintendent to make decisions regarding litigation involving the LAUSD, and, for purposes of this authority, would exempt the LAUSD from the provision regarding the electors of a school district being able to petition to vote on a settlement, as specified. The bill would limit the authority of the district superintendent by requiring that any decisions impacting the employment rights of LAUSD employees not conflict with specified provisions regarding employment.

This bill would require the district superintendent to annually present a proposed budget for the LAUSD for the succeeding fiscal year to the council of mayors established by this bill at a public meeting in May of each year for its review and comment prior to the adoption of the budget by the LAUSD board. The bill would grant the LAUSD board the authority to provide the final approval of any revenue and expenditure allocations at the object level and to approve any budget revisions that would result in a change in revenue or object level expenditure allocations, but would limit the authority of the LAUSD board and the council of mayors to budgetary matters no more specific than the object level. The bill would require the district superintendent to be responsible for fiscal reporting requirements to

the county board of education, the State Department of Education, and the Superintendent of Public Instruction.

This bill would require the administrative staff of the LAUSD to be employed by the district and not by individual LAUSD board members. The bill would grant the LAUSD board the power to make employment decisions related to the staff that are not inconsistent with any collective bargaining agreement or contract. The bill would require the district superintendent to manage all LAUSD personnel other than the staff of the LAUSD board, except the inspector general of the LAUSD.

This bill would require the district superintendent and board, when selecting curriculum and instructional materials, to ensure that teachers and certificated staff have an authentic and central role; a majority of curriculum committee participants are classroom teachers; basic instructional materials for kindergarten and grades 1 to 8, inclusive, are state board adopted materials; basic instructional materials for grades 9 to 12, inclusive, are aligned to state content standards, if content standards exist for the applicable subjects; and there is a wide selection of supplemental instructional materials that are consistent with the needs of pupils and available for use at schoolsites.

This bill requires the district superintendent to develop and manage a facilities program for the LAUSD, as specified. The bill requires the council of mayors to advise the district superintendent regarding the facilities program pursuant to specified authority, but requires that the district superintendent retain all decisionmaking power regarding the facilities program. The bill expresses the intent of the Legislature that the district superintendent take over and be responsible for all district-level, rather than school-level, requirements related to facilities, and that the LAUSD, through the district superintendent, remain subject to all laws regarding the review and approval of decisions of the district by state agencies regarding school facilities of the district. The bill provides that any eminent domain proceedings related to school facilities of the LAUSD require approval by the LAUSD board.

This bill would establish the council of mayors, composed of certain city mayors and county board of supervisors within the boundaries of the LAUSD. The bill would authorize the council of mayors to select a representative and have that representative participate in all aspects of the selection and evaluation by the LAUSD board of the district

superintendent, as provided; would require the appointment, contract term, contract renewal, or involuntary removal of the district superintendent to be ratified by the council of mayors; and would require the district superintendent to provide, as specified, each School Accountability Report Card for each school of the district to the council of mayors on an annual basis for review and comment. The bill would also require the council of mayors to have certain roles, including, among others, oversight over the creation, coordination, support, and completion of joint-use projects involving the LAUSD and providing local governmental input in the development of school construction strategic plans and determining schoolsite locations for the district.

This bill would require the Mayor of the City of Los Angeles, in partnership with the LAUSD, parent and community leaders and organizations, and school personnel and employee organizations, to, as part of a demonstration project, have oversight over three clusters of the lowest-performing schools in different geographic areas within the City of Los Angeles. The bill would require each cluster to include a high school that is ranked in decile 1 of the Academic Performance Index and its feeder middle and elementary schools. The bill would require the high schools for each cluster to be selected by the Los Angeles Mayor and the district superintendent within specified timelines, and would require the Superintendent of Public Instruction to make that selection if the selection is not made within the deadline. The bill would specify the purposes of the demonstration project. The bill would require all authority exercised by the LAUSD board and the district superintendent with respect to the schools in the demonstration project to be transferred to the partnership, except as specified. The bill would provide that the schools in the demonstration project continue to exist as district schools and continue to be funded with existing resources and private donations.

This bill would require the Legislative Analyst to contract for an evaluator to conduct an interim evaluation of the effectiveness of the specified LAUSD programs to be completed on or before January 1, 2009; conduct a final evaluation to be completed by January 1, 2011; and report to the Legislature and the Governor on the final evaluation, including recommendations to continue, modify, or terminate the programs, by January 1, 2011, based upon the results in meeting specified measurements of the effectiveness of the programs based on a comparison of the LAUSD and its component schools and

pupils in 2006 relative to the time of the evaluation of the LAUSD and its component schools and pupils. The bill would require the evaluation to include, but not be limited to, whether schools participating in the Los Angeles Mayor's Community Partnership for School Excellence, other schools in the LAUSD, and the LAUSD as a whole accomplished, and, in specified instances, to what degree they accomplished, specific goals.

This bill would repeal these provisions as of January 1, 2013.

To the extent this bill would impose additional duties on officials of local agencies and local educational agencies, this bill would impose a state-mandated local program.

(3) This bill would declare that, due to special circumstances applicable to the LAUSD, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible education agencies. Existing law authorizes the department to consult with the Integrated Waste Management Board and public institutions of higher education, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program.~~

~~This bill instead would require the Integrated Waste Management Board to administer the program, in consultation with the State Department of Education, the Department of Food and Agriculture, and the State Department of Health Services. This bill would align the program with the statewide environmental education program and would include an agricultural education component in the program.~~

~~This bill would provide that educational agencies interested in participating in the Instructional School Gardens Program apply to the board for funding. This bill authorizes the board to establish an advisory group involving other agencies and groups with expertise in instructional school gardens, to provide technical assistance, resources, in-kind support, site visits, and other related forms of support.~~

~~This bill would require educational agencies applying for funding to provide the goals and objectives for their instructional school garden and a plan detailing how they plan to meet the goals and objectives. This bill would limit the use of funding for the program to costs directly related to implementing the instructional school garden and would prohibit the use of more than 5% of the funding awarded for administrative costs.~~

~~(2) Existing law requires the Integrated Waste Management Board to give preferential consideration during its annual discretionary grant funding process to providing an appropriate level of funding to the program.~~

~~This bill instead would establish the Instructional School Garden Account within the State Treasury and would permit the board to expend money from the account upon appropriation by the Legislature. This bill would allow the board to accept and receive funding and other contributions from federal, state, and local sources as well as from public and private organizations and individuals. This bill would permit proceeds from court judgments that have been designated for instructional programs or instructional school gardens to be included within the account. This bill also would authorize the board to accept nonmonetary contributions. This bill would require the transfer of \$100,000 each year for 5 years from the Integrated Waste Management Account into the Instructional School Garden Account.~~

~~(3) Existing law provides that the program will be implemented only if funds are available for it.~~

~~This bill would specify that the funding necessary for implementation is the funding received by the board and included within the Instructional School Garden Account.~~

~~(4) Existing law requires the board to file annual progress reports with the Legislature regarding specified programs that the board undertakes, including, but not limited to, the public education program.~~

~~This bill would add a report on the status and effectiveness of the Instructional School Gardens Program to the required reports.~~

~~This bill would also delete an obsolete reference and would make other, nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35400 of the Education Code is
2 amended to read:
3 35400. (a) *The Los Angeles Unified School District Board of*
4 *Education shall appoint an inspector general and shall make any*
5 *employment decisions related to the inspector general, except to*
6 *the extent that a decision violates the terms of the employment*
7 *contract under which the inspector general is employed as of*
8 *January 1, 2007.*
9 ~~(a)~~
10 (b) *The inspector general of the Los Angeles Unified School*
11 ~~District's Inspector General of the Office of the Inspector~~
12 ~~General District~~ is authorized to conduct audits and
13 investigations. The inspector general may subpoena witnesses,
14 administer oaths or affirmations, take testimony, and compel the
15 production of all information, documents, reports, answers,
16 records, accounts, papers, and other data and documentary
17 evidence deemed material and relevant and that reasonably relate
18 to the inquiry or investigation undertaken by the inspector
19 general when he or she has a reasonable suspicion that a law,
20 regulation, rule, or district policy has been violated or is being
21 violated. For purposes of this section, "reasonable suspicion"
22 means that the circumstances known or apparent to the inspector
23 general include specific and articulable facts causing him or her
24 to suspect that a material violation of law, regulation, rule, or
25 district policy has occurred or is occurring, and that the facts
26 would cause a reasonable officer in a like position to suspect that
27 a material violation of a law, regulation, rule, or district ~~bulletin~~
28 *policy* has occurred or is occurring.
29 ~~(b)~~
30 (c) Subpoenas shall be served in the manner provided by law
31 for service of summons. Any subpoena issued pursuant to this

1 section may be subject to challenge pursuant to Chapter 2
2 (commencing with Section 1985) of Title 3 of Part 4 of the Code
3 of Civil Procedure.

4 (e)

5 (d) For purposes of this section, Sections 11184, 11185,
6 11186, 11187, 11188, 11189, 11190, and 11191 of the
7 Government Code shall apply to the subpoenaing of witnesses
8 and documents, reports, answers, records, accounts, papers, and
9 other data and documentary evidence as if the investigation was
10 being conducted by a state department head, except that the
11 applicable court for resolving motions to compel or motions to
12 quash shall be the Superior Court for the County of Los Angeles.

13 (d)

14 (e) Notwithstanding any other provision of the law, any person
15 who, after the administration of an oath or affirmation pursuant
16 to this section, states or affirms as true any material matter that
17 he or she knows to be false is guilty of a misdemeanor
18 punishable by imprisonment in a county jail not to exceed six
19 months or by a fine not to exceed five thousand dollars (\$5,000),
20 or by both that fine and imprisonment for the first offense. Any
21 subsequent violation shall be punishable by imprisonment in a
22 county jail not to exceed one year or by a fine not to exceed ten
23 thousand dollars (\$10,000), or by both that fine and
24 imprisonment.

25 (e)

26 (f) The inspector general shall submit an interim report to the
27 Legislature by July 1, 2000, annual interim reports by July 1 of
28 each succeeding year, and a final cumulative report by December
29 1, 2014, on all of the following:

30 (1) The use and effectiveness of the subpoena power
31 authorized by this section in the successful completion of the
32 inspector general's duties.

33 (2) Any use of the subpoena power in which the issued
34 subpoena was quashed, including the basis for the court's order.

35 (3) Any referral to the ~~local~~ district attorney or the Attorney
36 General ~~where~~ *if* the district attorney or Attorney General
37 declined to investigate the matter further or declined to
38 prosecute.

39 (f)

(g) This article shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 2. Chapter 5 (commencing with Section 35900) is added to Part 21 of the Education Code, to read:

CHAPTER 5. LOS ANGELES UNIFIED SCHOOL DISTRICT
ADMINISTRATION

Article 1. General Provisions

35900. (a) The Legislature finds and declares both of the following:

(1) As the largest school district in California and an urban district with high numbers of pupils from historically disadvantaged groups, the Los Angeles Unified School District has unique challenges and resources that require and deserve special attention to ensure that all pupils are given the opportunity to reach their full potential.

(2) The freedom to deviate from the strictures of generally applicable education statutes and regulations while maintaining the constant commitment to fairness and equity, and to increasing achievement among all pupils regardless of background, is central to the success of quality schools in California and is appropriate, as a concept, for the unique circumstances of the Los Angeles Unified School District.

(b) It is the intent of the Legislature that the Los Angeles Unified School District achieve the following pupil learning expectations through the enactment of this chapter:

(1) Significantly improved pupil learning based on the academic standards of the state, graduation requirements, and other standards for assessing the achievement of pupils.

(2) Significantly improved graduation rates and significantly reduced dropout rates.

(3) A reduction in the academic achievement gap between Latino, African-American, White, and Asian pupils so that all pupils are attaining similar, acceptable levels of academic achievement.

1 (4) *Parent satisfaction with the schools that their children*
2 *attend.*

3 (5) *English language learner success.*

4 (c) *It is the intent of the Legislature that the schools and*
5 *administration of the Los Angeles Unified School District ensure*
6 *that:*

7 (1) *All schools are clean and safe places for pupils and school*
8 *staff.*

9 (2) *Each pupil has a qualified teacher who has had*
10 *appropriate professional development for the one or more grades*
11 *and subjects that he or she teaches.*

12 (3) *Each school has a principal who has had high quality*
13 *professional development to improve his or her ability as an*
14 *educational leader to assist in improving teaching and learning*
15 *at the school to which he or she is assigned, in building strong*
16 *educational teams, and in promoting parental involvement and*
17 *community relations.*

18 (4) *There is transparency in the fiscal affairs of the schools*
19 *and the school district.*

20 (5) *Teachers and parents are full partners in the decisions that*
21 *affect schools.*

22 (6) *The district is decentralized to reduce bureaucracy and*
23 *transfer resources to schools and classrooms.*

24 (7) *Class sizes are at or below statewide averages for the*
25 *corresponding grade levels.*

26 (8) *The school community is held accountable for the*
27 *achievement of the goals described in this section.*

28 (d) *It is further the intent of the Legislature that, in performing*
29 *the school-related duties set forth in this chapter, the council of*
30 *mayors described in Section 35920 and the partnership*
31 *described in Section 35931, which includes the Mayor of the City*
32 *of Los Angeles, function as local educational agencies authorized*
33 *to maintain public schools, similar to a school district or county*
34 *office of education. The council of mayors and the partnership*
35 *are, therefore, a part of the public school system of the state in*
36 *performing the duties established in this chapter within the*
37 *meaning of Section 6 of Article IX of the California Constitution.*

38 35901. *For purposes of this chapter, the following terms have*
39 *the following meanings, unless the context in which they appear*
40 *clearly requires otherwise:*

1 (a) “Board” means the Los Angeles Unified School District
2 Board of Education.

3 (b) “District superintendent” means the Superintendent of the
4 Los Angeles Unified School District.

5 (c) “LAUSD” means the Los Angeles Unified School District.
6

7 Article 2. Operational Flexibility
8

9 35910. (a) Notwithstanding Section 33050, the district
10 superintendent, on a districtwide basis or on behalf of one or
11 more of the schools or programs of the LAUSD, after a public
12 hearing on the matter, may request the state board to waive all
13 or part of any section of this code or any regulation adopted by
14 the state board that implements a provision of this code, except
15 that a waiver of the provisions specified in subdivisions (a), (b),
16 and (c) of Section 33050, or of any law that cannot
17 constitutionally be waived, shall not be requested or granted.

18 (b) A request for a waiver made pursuant to this section shall
19 include the written statement required pursuant to subdivision
20 (d) of Section 33050 if the exclusive representative of employees
21 specified in that section responds with its position on any
22 proposed waiver within two weeks of its receipt of a request from
23 the district superintendent.

24 (c) If the state board does not approve or deny a waiver
25 request submitted by the district superintendent pursuant to this
26 section by the completion of the second regular meeting of the
27 state board after, or within 60 days of, receiving the request,
28 whichever date is sooner, the request shall be deemed approved
29 for two years, commencing the first day of the following month.

30 35911. (a) The district superintendent shall have the
31 authority to appoint and dismiss the personnel of the Office of
32 Superintendent of the LAUSD.

33 (b) The district superintendent shall have the authority to
34 appoint and dismiss a principal of a school within the LAUSD
35 after consultation with community leaders, schoolsite personnel,
36 and parents of pupils enrolled at the school to which the
37 principal is assigned. However, the appointment or dismissal of
38 a principal pursuant to this subdivision is subject to ratification
39 by the board.

1 (c) *Employment actions made by the district superintendent*
2 *pursuant to this section shall conform with any collective*
3 *bargaining agreements or contracts under which an employee is*
4 *employed.*

5 (d) *The intent of the Legislature in enacting this section is to*
6 *transfer the responsibility for the applicable employment*
7 *decisions from the board to the district superintendent, except as*
8 *specified. This section does not alter Part 25 (commencing with*
9 *Section 44000) of the Education Code or Chapter 10.7*
10 *(commencing with Section 3540) of Division 4 of Title 1 of the*
11 *Government Code, except to the extent that the authority over the*
12 *applicable employment decisions is expressly transferred to the*
13 *district superintendent.*

14 35912. (a) (1) *The district superintendent shall have the*
15 *authority over the fiscal operations of the LAUSD, including, but*
16 *not limited to, the negotiation and execution of contracts. For*
17 *purposes of negotiating and executing contracts, the district*
18 *superintendent is subject to the otherwise applicable*
19 *requirements of law, including statutory or regulatory*
20 *competitive bidding procedures and best contracting practices.*

21 (2) *A decision by the district superintendent to contract with a*
22 *private individual or business entity for personal services that, as*
23 *of January 1, 2007, are provided by represented employees of the*
24 *LAUSD shall comply with Section 45103.1.*

25 (b) *The district superintendent shall have the authority to*
26 *make decisions regarding litigation involving the LAUSD,*
27 *including, but not limited to, nonmonetary settlements involving*
28 *injunctive relief related to matters within the responsibility of the*
29 *district superintendent. For purposes of this authority, Section*
30 *35190 does not apply to the LAUSD.*

31 (c) *The intent of the Legislature in enacting this section is to*
32 *transfer the responsibility for fiscal operations from the board to*
33 *the district superintendent. This section does not alter the*
34 *requirements related to the employment rights of any district*
35 *employees pursuant to Part 25 (commencing with Section 44000)*
36 *of the Education Code or Chapter 10.7 (commencing with*
37 *Section 3540) of Division 4 of Title 1 of the Government Code, or*
38 *any applicable collective bargaining agreement or contract. This*
39 *section does not alter any law regarding the procedures for*
40 *school districts to execute or amend contracts.*

1 35913. (a) *The district superintendent annually shall present*
2 *a proposed budget for the LAUSD for the succeeding fiscal year*
3 *at a public meeting of the council of mayors established pursuant*
4 *to Article 3 (commencing with Section 35920) to be held in May*
5 *of each year.*

6 (b) *The council of mayors shall have an opportunity to review*
7 *and comment on the proposed budget prior to the consideration*
8 *and adoption of the budget by the board.*

9 (c) *The board shall have the final approval of any revenue and*
10 *expenditure allocations at the object-level, which includes*
11 *categories of expenditures, but not the individual line item level*
12 *of expenditures proposed within those categories. The board*
13 *shall approve any revisions of the budget that would result in a*
14 *change of revenue or proposed object-level expenditure. The*
15 *board or the council of mayors shall not revise proposed*
16 *expenditures that are more specific than object-level*
17 *expenditures, including, but not limited to, line-item level of*
18 *expenditures.*

19 (d) *The district superintendent is responsible for performing*
20 *fiscal reporting requirements to the county office of education,*
21 *the department, and Superintendent.*

22 35914. (a) *The board shall employ administrative staff that*
23 *serves the board. Individual members of the board shall not*
24 *employ administrative staff. The board shall have the power to*
25 *make the employment decisions related to the staff, except to the*
26 *extent that it would violate the terms of any applicable collective*
27 *bargaining agreement or contract under which the staff are*
28 *employed.*

29 (b) *The district superintendent shall manage all personnel of*
30 *the LAUSD other than the administrative staff of the board,*
31 *except that the board shall retain the power to appoint and to*
32 *make other employment decisions related to the inspector*
33 *general of the LAUSD pursuant to Section 35400.*

34 35915. (a) *The district superintendent and board, when*
35 *selecting curriculum and instructional materials, shall ensure*
36 *that:*

37 (1) *Teachers and certificated staff have an authentic and*
38 *central role.*

39 (2) *A majority of curriculum committee participants are*
40 *classroom teachers.*

1 (3) *Basic instructional materials for kindergarten and grades*
2 *1 to 8, inclusive, are state board adopted materials.*

3 (4) *Basic instructional materials for grades 9 to 12, inclusive,*
4 *are aligned to state content standards, if content standards exist*
5 *for the applicable subjects.*

6 (5) *There is a wide selection of supplemental instructional*
7 *materials that are consistent with the needs of pupils and*
8 *available for use at schoolsites.*

9 (b) *The board shall retain its authority to establish the*
10 *requirements for graduation from high school pursuant to*
11 *paragraph (2) of subdivision (a) of Section 51225.3.*

12 35916. (a) (1) *The district superintendent shall develop and*
13 *manage a facilities program for the LAUSD. This program may*
14 *include, but not be limited to, the development of a strategic plan*
15 *regarding facilities for the LAUSD and the management of all*
16 *phases of construction of school facilities of the district.*

17 (2) *The council of mayors established pursuant to Section*
18 *35920 shall advise the district superintendent regarding the*
19 *facilities program pursuant to the authority granted to the*
20 *council under subdivisions (a) and (b) of Section 35923.*
21 *However, notwithstanding that authority, the district*
22 *superintendent shall retain all decisionmaking power regarding*
23 *the facilities program.*

24 (3) *The LAUSD, through the district superintendent, is subject*
25 *to all laws regarding the review and approval of decisions of the*
26 *district by state agencies regarding school facilities of the*
27 *district.*

28 (b) *Eminent domain proceedings related to school facilities of*
29 *the district require the approval of the board.*

30
31 Article 3. Council of Mayors
32

33 35920. (a) *The council of mayors is hereby established and*
34 *shall be comprised of the mayors of each city any part of which is*
35 *located within the attendance boundaries of the LAUSD and each*
36 *member of the Los Angeles County Board of Supervisors whose*
37 *supervisory district includes any unincorporated portion of the*
38 *county that is located within the attendance boundaries of the*
39 *LAUSD.*

1 (b) In exercising any of the duties described in this chapter,
2 the council of mayors shall act by a majority of the weighted vote
3 of the total membership of the council. The weighted vote of each
4 member of the council of mayors is equal to the proportion of the
5 population of the LAUSD that are residents of the city of the
6 individual member, or unincorporated area of the county for any
7 member of the county board of supervisors, to the total
8 population of residents of the LAUSD.

9 35921. (a) Notwithstanding any other provision of law, the
10 council of mayors may select a representative to participate in
11 all aspects of the selection and evaluation by board of the district
12 superintendent, including, but not limited to, the search for
13 potential candidates and the setting of compensation. This right
14 includes access, by the representative of the council of mayors, to
15 closed session meetings of the board in which any of these
16 matters regarding the selection and evaluation of the district
17 superintendent are to be discussed.

18 (b) The appointment, contract term, contract renewal, or
19 removal of the district superintendent shall be ratified by the
20 council of mayors. If the council of mayors fails to act within 30
21 days of the submission of one of these actions by the board, the
22 action shall be deemed ratified.

23 (c) The council of mayors and its representative shall comply
24 with all legal requirements applicable to the board and its
25 members concerning the matters set forth in this subdivision,
26 including, but not limited to, the Ralph M. Brown Act (Chapter 9
27 (commencing with Section 54950) of Division 2 of Title 5 of the
28 Government Code) and the Political Reform Act of 1974 (Title 9
29 (commencing with Section 81000) of the Government Code).

30 35922. The district superintendent shall provide each School
31 Accountability Report Card required by Section 35256 for each
32 school of the LAUSD to the council of mayors on an annual basis
33 for review and comment. Each School Accountability Report
34 Card shall be provided to the council of mayors at least two
35 weeks before the report card is released to the public.

36 35923. The council of mayors shall have all of the following
37 roles:

38 (a) Oversight over an expanded and transparent process for
39 creating, coordinating, supporting, and completing joint-use
40 projects that involve the LAUSD.

1 ***(b) Providing local governmental input in the development of***
2 ***school construction strategic plans and determining the location***
3 ***of schoolsites for the LAUSD.***

4 ***(c) In cooperation with the LAUSD, conducting and reviewing***
5 ***an asset management audit to ensure greater coordination in the***
6 ***delivery of local governmental services for children and families***
7 ***within the LAUSD and between local governmental and LAUSD***
8 ***public safety departments.***

9
10 ***Article 4. The Los Angeles Mayor's Community Partnership***
11 ***for School Excellence***
12

13 35930. *This article shall be known, and may be cited, as "The*
14 *Los Angeles Mayor's Community Partnership for School*
15 *Excellence."*

16 35931. *(a) The Mayor of the City of Los Angeles, in*
17 *partnership with the LAUSD, parent and community leaders and*
18 *organizations, and school personnel and employee*
19 *organizations, shall, as part of a demonstration project, have*
20 *oversight over three clusters of the lowest-performing schools in*
21 *different geographic areas within the LAUSD. Each cluster shall*
22 *include a high school that is ranked in decile 1 on the Academic*
23 *Performance Index, pursuant to Section 52056, and its feeder*
24 *middle and elementary schools.*

25 ***(b) The high schools for each cluster shall be selected by the***
26 ***mayor and the district superintendent, and shall take into***
27 ***account the academic status of each school and the interests of***
28 ***the school community. If the mayor and the district***
29 ***superintendent do not agree on the high school for the first***
30 ***cluster on or before February 1, 2007, for the second cluster on***
31 ***or before March 1, 2007, and for the third cluster on or before***
32 ***April 1, 2007, the Superintendent shall select the high school for***
33 ***the cluster within 30 days of the applicable deadline. These***
34 ***deadlines are maximum time periods, but all parties shall act***
35 ***with diligence to permit achievement of the objective of each***
36 ***cluster joining the demonstration project in the 2007–08 school***
37 ***year.***

38 ***(c) The purpose of the demonstration project is as follows:***

39 ***(1) To achieve all of the following pupil learning expectations:***

1 (A) Significantly improved pupil learning based on the
2 academic standards of the state, graduation requirements, and
3 other standards that may be developed by the partnership
4 described in subdivision (a).

5 (B) Significantly improved graduation rates and significantly
6 reduced dropout rates.

7 (C) A reduction in the academic achievement gap between
8 Latino, African-American, White, and Asian pupils, so that all
9 pupils are attaining similar, acceptable levels of academic
10 achievement.

11 (D) Parent satisfaction with the schools that their children
12 attend.

13 (E) English language learner success.

14 (2) To achieve all of the following school expectations:

15 (A) All schools are clean and safe places for pupils and school
16 staff.

17 (B) Each pupil has a qualified teacher who has had
18 appropriate professional development for the grade or grades
19 and subject or subjects that he or she teaches.

20 (C) Each school has a principal who has had high quality
21 professional development to improve his or her ability as an
22 educational leader to assist in improving teaching and learning,
23 in building strong educational teams, and in promoting parental
24 involvement and community relations.

25 (D) Transparency in the fiscal affairs of the operations of each
26 school.

27 (E) Teachers and parents are full partners in the decisions
28 that affect the schools.

29 (F) The school community is held accountable for the
30 achievement of the goals described in this section.

31 35932. (a) Notwithstanding any other provisions of law, and
32 except for the authority to negotiate collective bargaining
33 agreements, all authority exercised by the board and the district
34 superintendent with respect to the schools in the demonstration
35 project shall be transferred to the partnership described in
36 subdivision (a) of Section 35931, which is directed by the mayor.
37 In a manner consistent with districtwide collective bargaining
38 agreements, the partnership shall seek waivers from the state
39 board and authority to operate the schools in the demonstration
40 project with maximum flexibility and efficiency.

1 ***(b) The schools in the demonstration project shall continue to***
2 ***exist as district schools and shall not be deemed to be charter***
3 ***schools.***

4 ***(c) The schools in the demonstration project shall continue to***
5 ***be funded with existing resources, including appropriate average***
6 ***daily attendance revenue and categorical funding generated by,***
7 ***or granted based on, the pupils in the schools in each cluster,***
8 ***and private donations.***

9
10 ***Article 5. Program Evaluation***

11
12 35940. ***(a) The Legislative Analyst shall contract for an***
13 ***evaluator to perform all of the following:***

14 ***(1) Conduct an interim evaluation of the effectiveness of the***
15 ***programs authorized under this chapter to be completed on or***
16 ***before January 1, 2009.***

17 ***(2) Conduct a final evaluation to be completed by January 1,***
18 ***2011.***

19 ***(3) Report to the Legislature and the Governor on the final***
20 ***evaluation completed pursuant to paragraph (2) and, in that***
21 ***report, make recommendations to continue, modify, or terminate***
22 ***the programs by January 1, 2011, based upon the results in***
23 ***meeting the measurements described in subdivision (b).***

24 ***(b) The evaluation of the effectiveness of the programs shall be***
25 ***based on a comparison of the LAUSD and its component schools***
26 ***and pupils in 2006 relative to the time of the evaluation of the***
27 ***LAUSD and its component schools and pupils. The evaluation***
28 ***shall include, but not be limited to, all of the following:***

29 ***(1) Whether schools participating in the Los Angeles Mayor's***
30 ***Community Partnership for School Excellence, other schools in***
31 ***the LAUSD, and the LAUSD as a whole accomplished the***
32 ***following:***

33 ***(A) Significantly improved pupil learning based on the***
34 ***academic standards of the state, graduation requirements, and***
35 ***other standards for assessing the achievement of pupils.***

36 ***(B) Significantly improved graduation rates and significantly***
37 ***reduced dropout rates.***

38 ***(C) Reduced the academic achievement gap between Latino,***
39 ***African-American, White, and Asian pupils, so that all pupils are***
40 ***attaining similar, acceptable levels of academic achievement.***

1 (D) Provided parent satisfaction with the schools that their
2 children attend.

3 (E) Ensured English language learner success.

4 (2) Whether schools participating in the Los Angeles Mayor's
5 Community Partnership for School Excellence, other schools in
6 the LAUSD, and the LAUSD as a whole accomplished, and to
7 what degree they accomplished, the following:

8 (A) Made all schools clean and safe places for pupils and
9 school staff.

10 (B) Ensured that each pupil has a qualified teacher who has
11 had appropriate professional development for the one or more
12 grades and subjects that he or she teaches.

13 (C) Ensured that each school has a principal who has had
14 high quality professional development to improve his or her
15 ability as an educational leader to assist in improving teaching
16 and learning at the school to which he or she is assigned, in
17 building strong educational teams, and in promoting parental
18 involvement and community relations.

19 (D) Ensured transparency in the fiscal affairs of the schools
20 and district.

21 (E) Made teachers and parents full partners in the decisions
22 that affect schools.

23 (F) Decentralized the district to reduce bureaucracy and to
24 transfer resources to schools and classrooms.

25 (G) Ensured that class sizes are at or below statewide
26 averages for the corresponding grade levels.

27 (H) Ensured that the district and schools are able to attract
28 and retain quality teachers.

29 (I) Held the school community segments accountable for the
30 achievement of the above-described goals.

31
32 Article 6. Repeal

33
34 35950. This chapter shall remain in effect only until January
35 1, 2013, and as of that date is repealed, unless a later enacted
36 statute, that is enacted before January 1, 2013, deletes or extends
37 that date.

38 SEC. 3. The Legislature finds and declares that a special law
39 is necessary and that a general law cannot be made applicable
40 within the meaning of Section 16 of Article IV of the California

1 *Constitution because of the unique circumstances that have*
2 *resulted in the Los Angeles Unified School District facing more*
3 *serious challenges to the achievement of pupils and schools than*
4 *most other school districts.*

5 *SEC. 4. If the Commission on State Mandates determines that*
6 *this act contains costs mandated by the state, reimbursement to*
7 *local agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code.*

10
11
12 **All matter omitted in this version of the bill**
13 **appears in the bill as amended in**
14 **Assembly, January 24, 2006 (JR11)**
15